BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's	)	CC Docket No. 94-102
rules to ensure compatibility	)	RM - 8143
Enhanced 911 emergency calling	)	
systems	)	

INITIAL COMMENTS
of the
INTERNATIONAL COMMUNICATIONS ASSOCIATION

The International Communications Association (ICA) hereby submits its initial comments concerning the Notice of Proposed Rulemaking (Notice)[1] concerning compatibility between telecommunications equipment registered under Part 68 of the Commission's Rules and Enhanced 9-1-1 (E-9-1-1) emergency numbers and equipment. The Notice requests comments on rules concerning compatibility between both PBX systems (so-called "dispersed private telephone systems") and wireless telephone networks.

The ICA is the largest association of telecommunications users in the world. Estimates indicate that ICA members spend over $20-billion each year on telecommunications services and equipment. The bylaws of the ICA exclude any firm that is predominantly engaged in the production, sale or rental of communications services or equipment from eligibility for membership. ICA members are users of many types of "dispersed private telephone systems:" These users will purchase and install many of the larger systems that will be affected prospectively by the proposed rules. Many ICA members are governmental and educational institutions, such as large universities, that could incur exceptional and unwarranted costs to maintain and update location information, for example. ICA members are part of the four million users of PBXs, identified in the Commission's Initial Regulatory Flexibility Analysis,[2] who will eventually acquire PBX systems covered by the proposed E-9-1-1 rules in order to replace or expand their existing systems.

Introduction.

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1 FCC 94-237, Released October 19, 1994 ("Notice")

2 Notice, Appendix A.

While ICA supports the broader intent of the proposed rules, ICA's comments are limited to the rules regarding PBXs. However, the rules proposed by the Commission have serious flaws which should be corrected. First, it is premature for the Commission to consider the rules set out in the Notice prior to the establishment of draft industry standards; the Notice refers to the standard setting work, but it was released before these efforts were completed. This approach is inefficient. Second, ICA questions seriously whether it is appropriate to utilize Part 68 to require that E-9-1-1 compatible equipment must be connected by special trunks to public safety equipment. Part 68 should ensure compatibility among emergency systems and other equipment, but it is quite another matter to require trunks to be installed regardless of the whether such connections would best ensure the safety of employees or patrons of the users of "dispersed private systems."

Third, and most important, administration of the rules as proposed could require many users of PBXs and similar equipment to devote unnecessary resources maintaining databases of individual station numbers and locations within buildings and campuses. Other, more effective mechanisms are available to ensure proper communications with public safety and emergency services agencies; these arrangements would be precluded by the rules as proposed.

Comments.

The Commission's Notice proposes rules similar to provisions set out in the Petition for Rulemaking submitted by Adcom Engineering Company, a maker of devices that may be attached to PBXs to assist in transmitting automatic number identification (ANI) and automatic location identification (ALI) data to public safety answering points (PSAPs) operated by governmental authorities. The proposed rules would apply to PBX and similar equipment manufactured 12 months after the effective date of the Commission's rules and to all equipment actually installed following the subsequent six month period, i.e., 18 months after the rules' effective date.

ICA supports the broader intent of the proposed rules. ICA believes that access to E-9-1-1 systems will be facilitated by specifying the standard protocols and interfaces by which users of public network services are interconnected to the emergency systems. ICA believes that it would be an appropriate use of the Commission's Part 68 equipment rules to require that equipment manufacturers adhere to such common protocols and trunk interfaces, as long as such Part 68 rules are carefully defined to avoid unnecessarily raising equipment costs that users must pay.[3] For example, it is appropriate to move toward a standard wherein telephone users would not have to dial an initial "9" to access the 9-1-1 number and where existing 9th-level restriction practices by some PBX users were changed so as to accommodate calls to 9-1-1. These types of dialing rules represent a general standard affecting how Part 68 registered equipment interoperates with public telephone networks

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[3] ICA has supported, for example, the Commission's proposal to adopt equipment usage instructions and labeling requirement designed to inform users of certain risks regarding fraudulent use of equipment covered by Part 68. See Policies and Rules Concerning Toll Fraud, CC Docket No. 93-292, Comments of the International Communications Association, January 14, 1994 and Reply Comments of the International Communications Association, February 10, 1994.

and can be implemented cost-effectively over time by applying the requirements to new equipment.

However, ICA believes that the rules proposed by the Commission have at least three serious flaws which should be corrected before any rules regarding E-9-1-1 systems interconnection are adopted. First, ICA believes it is premature to consider the rules set out in the Notice prior to the Telecommunications Industry Association's (TIA) efforts to complete work on Technical Systems Bulletin (TSB) number 103.[4] ICA supports TIA's efforts to address this question. The Commission's intention to undertake rulemaking in this area would have been more complete and well-informed if the Notice had reflected the results of the industry standards efforts, irrespective of whether the Commission tentatively decided to ratify TIA's efforts or not. TIA is attempting to gather the requisite technical knowledge to develop workable and effective definitions and standards regarding interconnection with E-9-1-1 systems. Equally important, equipment vendor groups, like TIA, should have the natural economic incentives to develop technical standards that are cost effective to implement. Unlike individual specialty manufacturers like Adcom, the proposals of broad industry groups are likely to propose standards which will be the least disruptive to the costs of installing and using PBXs.

Second, ICA believes that it is not appropriate for the Commission to utilize Part 68 to require that E-9-1-1 compatible equipment must be connected to public safety equipment, as specified in proposed section 68.320(d). This approach is not sufficiently flexible to accommodate all of the possible variations and user circumstances that will be involved to attempting to provide emergency information to the appropriate government agencies. As the rule is drafted, users of any PBX or other dispersed private telephone system would have to install special E-9-1-1 trunks to interconnect with PSAPs without regard to whether this type of trunking represented the least cost, most effective method of emergency communications involving private systems serving multiple, perhaps hundreds, of stations under many different geographic configurations.

Requiring that a particular capability of a PBX or system must be activated by the equipment user, and activated only in one prescribed manner, is not an appropriate use of Part 68, and may not be appropriate under the Regulatory Flexibility Act.[5] ICA members and other users of new PBXs would be required to utilize the special E-9-1-1 trunk(s) regardless of the whether the public agencies answering the E-9-1-1 calls had adequate money, staff and other resources necessary to effectively respond to the calls. This is valid consideration given the severe fiscal constraints under which many municipal and other governmental authorities now operate. Over-utilization of existing 9-1-1 and E-9-1-1 systems by the general public is a well-recognized problem today; many E-9-1-1 calls, possibly even a majority of such calls in some urban areas, involve matters of a non-emergency nature. PSAPs and the agencies that respond to legitimate emergency calls already may be strained by existing calling volumes.

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[4] Notice, paragraph 14.

[5] See page 7, below.

Moreover, under the proposal as drafted, PBX users would be required to install the special E-9-1-1 trunk(s) without regard to the train of the personnel answering the calls. Several incidents, including a recent case in Philadelphia, have underscored that 9-1-1 operator training is not itself standardized throughout the U.S. or subject to minimum competency standards. ICA does not suggest that these problems are widespread today. However, the extension of E-9-1-1 calling contemplated by the Commission's rules would apply to complex sites like business and educational campuses and to many other specialized circumstances. These new applications for E-9-1-1 require additional operator training and different operating procedures by emergency response personnel. It is not clear at this time that the special E-9-1-1 trunking requirements in the proposed rules should be imposed on PBX and similar users until these types of training and operational issues are identified resolved, and proven to be the most cost effective way of implementing E-9-1-1.

Third, leaving aside the adequacy of emergency agencies' resources, ICA believes that prescription of a fixed E-9-1-1 architecture may not be in the public interest. As the Notice suggests and as prior comments on the Adcom petition also highlighted, the stations and users behind a PBX or other dispersed private communications system may have very different public safety needs than those of the general public.[6] The existing E-9-1-1 model works well for its originally intended purposes: The average member of public knows the 9-1-1 dialing sequence and E-9-1-1 technology is rapidly being deployed through the U.S. That model, however, may not work well in more complex environments like those served by some PBXs.

Many ICA members report that they believe the process of updating employee location information would be quite costly and time consuming. In today's work environment, employees are often tasked to work in teams that are assembled for a specific project and then disbanded. Employees may work in several different teams at the same time. Quite often, the groups, as well as individual employees, may be moved frequently. Maintaining the same telephone number(s) for an employee or group of employees may be the only way to maintain the cohesion of the overall organization. Therefore, many individual telephone number's in an organization may have little or no relationship to a particular location than the number-location relationship for general wireline telephone subscribers in the past.

Additionally, due to the frequency with which the number-location relationship changes in business and educational organizations, PBX users could face new and unwarranted liability. The user organizations might incur a liability for failure to update their records on an almost daily or hourly basis to identify changes in locations and telephone numbers, even though these activities would not be required in their normal business operations. Calls placed directly to the emergency PSAP by users in these circumstances might well be mis-identified and the appropriate emergency response misdirected thereby. In some PBX installations, security concerns may require that access by public emergency personnel be limited or subject to special protocols for the emergency agencies' responses. Many users may maintain their own security and/or emergency response personnel; these departments likely have well-defined, customized working relationships with local governmental

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[6] See Notice, para. 16 (comments of GTE).

authorities. The areas of possible concern are in fact too numerous to detail in these comments; however, the existing E-9-1-1 architecture should not be force-fitted to these circumstances.

We do not mean to suggest that all users of PBXs and other dispersed private telephone systems will encounter these types of difficulties. There may be a number of equipment installations that will readily be able to activate and utilize emergency number and user location identification techniques as newly manufactured equipment is installed. Unfortunately, however, there do exist many PBX installations that will face each of the types of problems we have discussed. Many Americans work, go to school, or are otherwise served by these installations. They deserve the most effective possible utilization of public emergency services, considering effects in terms of both costs and safety.

Therefore, the Commission should continue to develop rules in this area that are (1) consistent with industry standard setting efforts, (2) designed to ensure that new equipment registered under Part 68 has basic compatibility with E-9-1-1 systems, and (3) the minimum standards which might apply as a "default condition" where other factors peculiar to individual PBX installations are not present. The Commission should not use Part 68 of its rules to force-fit a particular public safety access model that was designed (and works well) for the majority of residential and small business telephone users.

Regulatory Flexibility Act Comments.

ICA hereby incorporates by reference pages 4 through 7 of the previosly referred ICA Comments concerning the potential impact of the proposed rules on users of PBXs that would experience some of all of the problems summarized herein and which are small entities under the Act. While many ICA members are not small businesses as defined by the Regulatory Flexibility Act, many ICA members and other users have many locations that would be affected by the proposed rules and are embraced by the Act. ICA believes that the Commission is required to more fully consider significant alternatives to the proposed rules, particularly with respect to the requirement that equipment users must maintain E-9-1-1 trunks connections to public safety agencies with regard to the costs or efficacy of such arrangement.[7] Significant alternatives should also be considered because the proposed rules were published before relevant industry standard setting organizations like TIA have completed work on these issues.

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[7] See 5 USC 603(c).

Conclusion.

WHEREFORE, the International Communications Association requests that the Federal Communications Commission consider and adopt changes in the rules proposed in the Notice, consistent with ICA's comments herein.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

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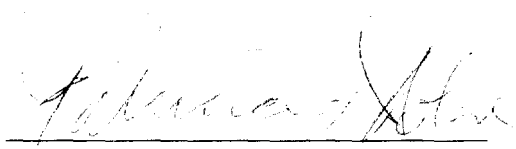

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